

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID McCLOY,

Plaintiff,

v.

CORRECTION MEDICAL SERVICES
LAFLER, RIVARD, WASHINGTON,
DOVE, PATTON, AMY BURTON,
DIANE TEMPLE, WILKENS, and
TROMBLEY, THOMSON, and
MORRIS,

Defendants.

Case No. 07-13839

David M. Lawson
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

**ORDER DENYING PLAINTIFF'S
MOTION FOR RELIEF FROM LOCAL RULE 5.1 (Dkt. 71)**

Plaintiff, David McCloy, filed this lawsuit against defendants alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. (Dkt. 1). Although his complaint is not entirely clear, apparently, plaintiff claims that defendants failed to provide him with regular and necessary insulin injections for his diabetes. (Dkt. 1). Plaintiff filed an application to proceed *in forma pauperis*, which was granted on October 26, 2007. (Dkt. 5, 7). District Judge David M. Lawson referred this matter for all pretrial purposes to Magistrate Judge R. Steven

Whalen on November 9, 2007. (Dkt. 9). This matter was reassigned to the undersigned on January 14, 2008. (Dkt. 14).

On August 8, 2008, plaintiff filed a motion to disregard Local Rule 5.1. (Dkt. 71). On September 8, 2008, the Court ordered defendants to respond to plaintiff's motion. (Dkt. 73). No response has been filed. Plaintiff seeks relief from Local Rule 5.1 based on his limited access to the law library and lack of access to a computer or typewriter. *Id.* Local Rule 5.1 governs the general format of papers presented to the Court for filing. The Court is unable to discern the relief sought by plaintiff, or the basis therefore, given that his handwritten submissions have been routinely accepted by the Clerk of the Court for filing and considered by this Court. Thus, the Court **DENIES** plaintiff's motion for relief from Local Rule 5.1.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party

objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: December 18, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on December 18, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Ronald W. Chapman, David B. Mammel and Scott R. Rothermel, and I certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: David McCloy, # 471229, Huron Valley Complex - Men's, 3201 Bemis Rd., Ypsilanti, MI 48197.

s/James P. Peltier
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